

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO

FRANKLIN COUNTY
MUNICIPAL COURT
LORI M TYACK

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACK KLEIN
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

GEM HEWNMAN ENTERPRISES LLC
c/o GUY MANOS
159 Clouse Lane
Granville, Ohio 43023

and

CHERYL BROOK SULLIVAN
FRANKLIN COUNTY TREASURER
373 South High Street, 17th Floor
Columbus, Ohio 43215

and

UNKNOWN TENANTS AT
938 HEYL AVENUE
938 Heyl Avenue
Columbus, Ohio 43206

And

REAL PROPERTY AT
938 HEYL AVENUE
938 Heyl Avenue
Columbus, Ohio 43206

Respondents-Defendants.

Case No.

Judge Stephanie Mingo

Parcel No. 010-048818

TEMPORARY RESTRAINING ORDER

This matter came before the Court on April 8, 2019, on Relator's request for a temporary restraining order filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondents-Defendants are owners and/or person in charge, care or control of the property located at 938 Heyl Avenue, Columbus, Ohio, Parcel No. 010-048818 ("the Premises"). On information and belief, Relator asserts the following:

26. The Premises came to the attention of Columbus Police Department ("CPD") in mid-2018.

27. On June 15, 2018, the Columbus Police Department received a call from an anonymous male caller stating that heroin, crack, and cocaine were being sold out of the premises. The caller also stated that shootings and prostitution occurred at the premises and that a person by the name of Samuel Fair walks around with a gun in his pocket.

28. On November 30, 2018, Detectives from the CPD Narcotics Bureau (hereinafter "CPD Narcotics") received information regarding a high number of medic runs to the Premises due to drug overdoses.

29. On December 3, 2018 Detective Melvin Mason #954 ("Mason"), Detective Brent Singer #1636 ("Singer"), and John Evans #1366 ("Evans") conducted surveillance at the Premises and observed foot and vehicular traffic in and out of 938 Heyl Avenue that is consistent with narcotics activity.

30. On December 4, 2018, Detective Singer, Evans, Detective Mason, and a confidential informant ("C/I") conducted a covert purchase of crack cocaine using prerecorded funds

from the Premises. The C/I confirmed that they purchased the crack cocaine from a male identified as a male black, approximately 5'10" and 230 pounds.

31. On December 10, 2018, Detective Singer and Evans along with a C/I conducted a covert purchase of crack cocaine at the Premises, using prerecorded funds. The C/I confirmed that they purchased the crack cocaine from a male black inside of the Premises.
32. On December 19, 2018, Detectives Singer and Mason along with a C/I conducted a covert purchase of crack cocaine at the Premises using prerecorded funds. The C/I confirmed that they purchased the crack cocaine from a male identified as a male black, approximately 5'10" and 230 pounds.
33. On December 20, 2018, a 311 complaint was made regarding the premises. The caller stated that there was drug activity at the Premises and that heroin and needles were found at the premises. Caller stated that there is a bald, male black, approximately sixty (60) years old and two hundred (200) that goes by the name of Daniel (AKA Doug) that resides at the Premises. Caller stated that the Premises has heavy traffic daily and at least 25 people reside there.
34. On December 20, 2018, Detectives Singer and Mason, along with a C/I conducted a covert purchase of crack cocaine at the Premises using prerecorded funds. The C/I confirmed that they purchased the crack cocaine from a male black.
35. On January 2, 2019, a nuisance warning letter was sent to 159 Clouse Lane, Granville, Ohio 43023, the registered address for Respondent-Defendant GEM HEWNMAN ENTERPRISES, LLC. (*See Plaintiff's exhibit B*).
36. On February 12, 2019, the nuisance warning letter went unclaimed and was returned to sender.

37. On February 8, 2019 The Columbus Police department received a call from a female caller regarding the Premises. Caller stated that the residents were selling drugs out of the Premises and that so many "little girls" were coming out of the Premises "so messed up." Caller stated that a male black identified to be bald by the name of Samuel Douglas is renting the Premises but other men live there as well.
38. On February 25, 2019, Detective Smith #1175 ("Smith") and Detective Friend #1728 ("Friend") along with a C/I conducted a covert operation at the Premises. The C/I stated that he/she arrived to the front door of the Premises and was greeted by a male black approximately 5'9 and 240 pounds in his 40's. The male black advised the C/I to go to the side door in the future and that all he had was "Boy." Detectives know the term "Boy" to mean heroin amongst drug dealers. The C/I stated that heroin made the purchase using prerecorded city funds.
39. On February 26, 2019 Detective Jaime Adrovet #2353 ("Adrovet") applied for a search warrant of the Premises with the Franklin County Municipal Court. The search warrant was granted by Judge Barrows of the Franklin County Municipal Court.
40. On February 27, 2019 CPD executed the search warrant at 938 Heyl Avenue.
41. During the execution of the search warrant, the following items were found:
1. twelve (12) grams Crack cocaine
 2. .22 caliber handgun
 3. Magazines for .22 caliber handgun
 4. Six (6) rounds of ammunition for handgun
 5. High Point model .380 caliber handgun
 6. Magazine for .380 handgun

7. Six (6) rounds of ammunition for .380 caliber handgun
 8. Pardner model 410 shotgun
 9. One (1) box of 410 shotgun shells
 10. Six (6) Counterfeit bills
 11. Three (3) baggies of crack cocaine
 12. Four (4) suboxone strips
 13. Cash
 14. Scale with residue
42. On February 28, 2019, the day after the search warrant was executed, an individual was arrested at the Premises on a charge of Felony Drug Possession- Cocaine.
43. Between May 16, 2017 and March 18, 2019, CPD received the following calls for service to the Premises:
1. Two (2) Criminal damaging complaints
 2. Two (2) Motor vehicle theft complaints
 3. One (1) Robbery complaint
 4. Two (2) Assault complaints
 5. Six (6) Domestic violence complaints
 6. One (1) complaint regarding a suspicious person
 7. One (1) call regarding the caller's uncle being shot
 8. Twelve (12) calls of disturbances
 9. Ten (10) calls regarding an overdose
 10. One (1) call regarding shots fired
 11. Two (2) narcotics complaints

12. One (1) Indecent exposure

13. One (1) Burglary

44. The Premises, and specifically the illegal narcotics activity at the property, constitute an imminent danger for those at and around the Premises.

45. Failing to immediately padlock the property after the execution of the *ex parte* temporary restraining order will allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to the applicant and the community.

46. *Ex parte* closure of the property is necessary in order to prevent destruction or removal of contraband or other property.

47. Prior notification of the temporary restraining order could pose a danger to the physical safety and lives of the Columbus police officers involved in its execution.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

Relator has established by clear and convincing evidence that the felony drug activity and illegal/unsafe activity occurring at the Premises continues to cause irreparable harm to the community and that the property is a nuisance per se as defined in R.C. § 3719.10 and 3767.01. It is the further ORDER of this Court that all occupants of the Premises be forcibly removed from the Premises forthwith. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the residence. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto

any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 938 Heyl Avenue, Columbus, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

This case is continued for further preliminary hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the 17th day of April, 2019 at 11:00 A.M. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

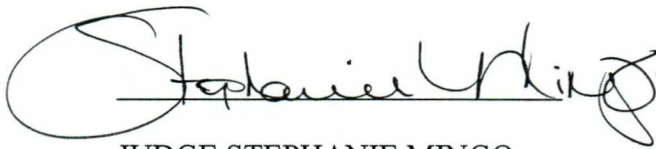
This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the

Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

IT IS SO ORDERED.

H-8-19.

DATE

A handwritten signature in black ink, appearing to read "Stephanie Mingo". The signature is written over a horizontal line.

JUDGE STEPHANIE MINGO